IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO: 1455 OF 2004 (S/S)

Rukam Singh, S/o Jai Chand Singh, R/o Village Bagal (Pipal Mandi) Chiniyali Sour, District Uttarkashi.

-------Petitioner

Versus

1- State of Uttaranchal through Secretary, Agricultural, Uttaranchal Sashan Dehradun.
2- Director of Agriculture Uttaranchal Sashan Dehradun.
3- Joint Director of Agriculture Garhwal Region Pauri, District Pauri Garhwal.
4-Chief Agriculture Officer Vikas Bhawan Ladari, Joshiyara, Uttarkashi.
5-Officer/Incharge(Agriculture) Regional Agriculrural Analytical & Demonstration Center Chiniyali Sour District Uttarkashi.

---Respondents

Sri H.M. Raturi, learned counsel for petitioner.
Learned Standing Counsel for respondents.

Dated : March 6, 2006.
HON'BLE RAJESH TANDON, J.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to take the work from the petitioner in Regional Agricultural Analytical Demonstration Centre Chiniyali Sour, district Uttarkashi.

Briefly stated, the petitioner was appointed as daily wager in the month of April, 1997 who is serving continuously on the post in Regional Agricultural Analytical Demonstration Centre Chiniyali Sour, district Uttarkashi. On 11.10.2004 a recommendation was sent for regularization of the service of the petitioner but of no avail. However, a counter affidavit

has been filed where it has been stated that Office has been transferred to Almora since 20.12.2004, therefore, the petitioner can no longer be given work in the Farm (Chiniyali Sour) by the respondents. A transfer letter to this effect is quoted below:

"सचिव, कृषि एवं जलागत, उत्तरांचल भाासन देहरादून के भाासनादे ा संख्या–1070/101(2) कृपि एवं जलागम/2004/दिनॉक 03.12.04 एवं कृपि निदे ाक, उत्तरांचल देहरादून के पत्रॉक उ0कृ0ि ा0–3301/प्र0हस्ता0/04.05/दिनॉक09.12.04 के अनुपालन में संभागीय कृपि परीक्षण एवं प्रर्द ान केन्द्र चिन्यसाली सौड (उत्तरका ाी) के भूमि एवं भवनों का हस्तान्तरण जिसका विवरण संलग्नक 1 से 4 में दिया गया है, का आज दिनॉक 20.12.2004 को विवेकानन्द पर्वतीय कृपि अनुसंधान संस्थान अल्मोडा (भा0कृ0अनु0प0) को किया गया।"

The grievance of the petitioner is that since 1997 he is working in the department as daily wager, he will have to be accommodated in the work where the office has been transferred. While filing the writ petition this court has directed the respondents to permit him to continue if the work and post is available.

However, liberty is given to the petitioner to approach the authority, i.e. respondent no.2 who shall pass appropriate order or to direct the Anushandhan at Almora in this regard to take work from the petitioner subject to the availability of the work till regular candidates are appointed.

Subject to aforesaid, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon J)

06.03.2006.
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